



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

January 24, 2023

Via Electronic Mail To: mayorjtb@yahoo.com

Mayor John Durkin
Village of Roslyn
1200 Old Northern Blvd
Roslyn, NY 11576

**Re: Information Request and Administrative Compliance Order
Docket No. CWA-02-2023-3018
Village of Roslyn Municipal Separate Storm Sewer System ("MS4")
SPDES Permit No. NYR20A071**

Dear Mayor Durkin:

The United States Environmental Protection Agency ("EPA"), Region 2, has made a finding that the Village of Roslyn ("Respondent" or the "Village") is in violation of the Clean Water Act (33 U.S.C. § 1251 *et seq.*) ("CWA" or "Act") for its failure to comply with the terms and conditions of the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Stormwater Discharges from MS4s. Attached is an Information Request and Administrative Compliance Order (together "the Order"), Docket No. CWA-02-2023-3018, issued pursuant to Sections 308 and 309 of the CWA, which details the findings.

Please acknowledge receipt of the Order by signing the acknowledgment page and returning the signed acknowledgment page electronically. Failure to comply with the attached Order may subject the Respondent to civil/criminal penalties pursuant to Section 309 of the CWA and subject the Respondent to ineligibility for participation in work associated with Federal contracts, grants, or loans.

If you have any questions regarding this Order, please contact Ms. Justine Modigliani, P.E., Chief, Compliance Section, at (212) 637-4268.

Sincerely,

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Ryan Porciello, NYSDEC Region 1, Ryan.Porciello@dec.ny.gov
Jennifer Pilewski, Regional Water Manager, NYSDEC Region 1 jennifer.pilewski@dec.ny.gov
Eric Star, Deputy Regional Water Manager, NYSDEC, Region 1, eric.star@dec.ny.gov
Edward Hampston, Director, Bureau of Water Compliance Programs, NYSDEC
Stephen Hadjiyane, Cameron Engineering, shadjiyane@cameronengineering.com
Sam Daliposki, Superintendent of Public Works, Village of Roslyn, sdaliposki@roslynny.gov
Scott Grupp, Building Inspector, Village of Roslyn, buildinginspector@roslynny.gov
Annemarie Stutzmann, Clerk/Treasurer, Village of Roslyn, astutzmann@roslynny.gov

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Village of Roslyn
1200 Old Northern Blvd
Roslyn, NY 11576

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**INFORMATION REQUEST AND
ADMINISTRATIVE COMPLIANCE ORDER**

CWA-02-2023-3018

The following Information Request and Administrative Compliance Order (together the “Order”) are issued pursuant to Sections 308(a) and 309(a)(3) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. §§ 1318(a) and 1319(a)(3). This authority has been delegated by the Administrator of the United States Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA Region 2, and since further redelegated to the Director, Enforcement and Compliance Assurance Division, Region 2, EPA.

A. LEGAL AUTHORITY

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), makes it unlawful for any person to discharge any pollutant from a point source to waters of the United States, except, among other things, with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
2. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes the Administrator of the EPA to issue a NPDES permit for the discharge of any pollutant, or combination of pollutants, subject to certain requirements of the CWA and conditions which the Administrator determines are necessary. The New York State Department of Environmental Conservation (“NYSDEC”) is the agency with the authority to administer the federal NPDES program in New York pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b). A State Pollutant Discharge Elimination System (“SPDES”) permit issued by the NYSDEC is required for the discharge of pollutants from point sources to navigable waters of the United States. The EPA maintains concurrent enforcement authority with authorized States for violations of the CWA and permits issued by authorized States thereunder.
3. “Person” is defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5), to include an individual, corporation, partnership, association, or municipality.
4. “Municipality” is defined by Section 502(4) of the CWA, 33 U.S.C. § 1362(4), to include among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.

5. “Discharge of a pollutant” is defined by Section 502(12) of the CWA, 33 U.S.C. § 1362(12), to include any addition of any pollutant to navigable waters from any point source.
6. “Pollutant” is defined by Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to include among other things, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged to water.
7. “Point source” is defined by Section 502(14) of the CWA, 33 U.S.C. § 1362(14), to include any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
8. “Navigable waters” are defined by Section 502(7) of the CWA, 33 U.S.C. § 1362(7), as “waters of the United States, including the territorial seas.” “Waters of the United States” have been further defined to include, inter alia, waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce (hereinafter “traditional navigable waters”) and tributaries of such waters. 40 C.F.R. § 122.2.
9. Section 308(a) of the CWA, 33 U.S.C. § 1318(a), provides, in relevant part, that the Administrator of EPA may require the owner or operator of any point source to, among other things: establish and maintain such records; make such reports; install, use and maintain such monitoring equipment; sample such effluents; and provide such other information as may reasonably be required to carry out the objective of the CWA.
10. Section 309(a) of the CWA, 33 U.S.C. § 1319(a) authorizes the Administrator to issue an order requiring compliance or commence a civil action when any person is found to be in violation of Section 301 of the CWA, 33 U.S.C. § 1311, or in violation of any permit condition or limitation in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342.
11. Section 402(p) of the CWA, 33 U.S.C. § 1342(p) sets forth the requirements for the discharge of stormwater, including discharges of stormwater from Municipal Separate Storm Sewer Systems (“MS4s”).
12. Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), requires that NPDES permits for discharges from a MS4 shall include a requirement to effectively prohibit non-stormwater discharges into the storm sewers and shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.
13. Pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p), EPA promulgated regulations at 40 C.F.R. § 122.26 setting forth the NPDES permit requirements for stormwater discharges, including the following:
 - a. 40 C.F.R. § 122.26(b)(8), defines an MS4 as a “conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by State law).....that discharges into waters of the United States; (ii) designed or used for collecting or conveying

stormwater; (iii) which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works...”

- b. 40 C.F.R. §§ 122.26(a)(1)(iv) and 122.26(d) require the operator of a discharge from a medium MS4 to apply for a jurisdiction-wide or system-wide permit;
 - c. 40 C.F.R. § 122.26(b)(7)(i) defines “medium municipal separate storm sewer system,” in part, as being located in an incorporated place with a population of 100,000 or more but less than 250,000;
 - d. 40 C.F.R. § 122.26(b)(16)(ii) defines “small municipal separate storm sewer system,” in part, as not defined as “large” or “medium” municipal separate storm sewer systems; and
 - e. 40 C.F.R. § 122.26(b)(3) defines “incorporated place,” in part, as a town, township, or village that is incorporated under the laws of the State in which it is located.
14. Pursuant to 40 C.F.R. § 122.32(a)(1), all small MS4s located in an “urbanized area” (as determined by the latest Decennial Census by the Bureau of Census) are regulated small MS4s.
15. The terms “MS4 General Permit” or “Permit” mean the NYSDEC SPDES General Permit for Stormwater Discharges from MS4s, as defined by the present general permit number, GP-0-15-003. The current MS4 General Permit, GP-0-15-003, became effective on May 1, 2015, expired on April 30, 2017, and has been administratively extended until the issuance of a final Permit renewal. GP-0-15-003 was preceded by previous versions of the MS4 General Permit, including GP-0-10-002, which became effective on May 1, 2010 and expired on April 30, 2015; GP-0-08-002, which became effective on May 1, 2008 and expired on April 30, 2010; and GP-0-02-02, which became effective on January 8, 2003, expired on January 8, 2008, and was administratively extended until the issuance of GP-0-08-002.

B. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Village of Roslyn (“Respondent” or the “Village”) is a municipal corporation chartered under the laws of the State of New York, and as such, Respondent is a “person,” as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2, and is an “incorporated place,” as that term is defined in 40 C.F.R. § 122.26(b)(3).
2. Respondent owns and operates the MS4 located in the Village of Roslyn, New York, and is an owner or operator within the meaning of 40 C.F.R. § 122.2.
3. Respondent’s MS4 is a small MS4 located in an urbanized area within the meaning of 40 C.F.R. § 122.26(b)(16)(ii) and 40 C.F.R. § 122.32(a)(1).
4. Respondent’s MS4 includes outfalls, including pipes and drainage ditches, which are “point sources” within the meaning of Section 502(14) of the CWA, 33 U.S.C. § 1362(14). Respondent’s MS4 discharges stormwater, which is a “pollutant” within the meaning of Section 502(6) of the CWA, 33 U.S.C. § 1362(6), to Hempstead Harbor and the Long Island Sound, which are “waters of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2. As such, Respondent discharges pollutants as defined in Section 502(12) of the CWA, 33 U.S.C. § 1362(12).

5. NYSDEC received a Notice of Intent (“NOI”) from the Respondent on February 27, 2003, and the Respondent subsequently received authorization under the MS4 General Permit pursuant to permit identification number NYR20A071. Respondent has been covered under the conditions and limitations in the MS4 General Permit at all relevant times addressed by this Order.
6. The MS4 General Permit authorizes Respondent to discharge pollutants from MS4 outfalls to waters of the United States, under the conditions and limitations prescribed in the Permit.
7. On September 21, 2022, EPA conducted a Compliance Evaluation Inspection of the Village’s MS4 (“Inspection”), evaluating the Village’s compliance with the MS4 General Permit.
8. On November 29, 2022, EPA transmitted the findings from the Inspection to the Respondent with a Request for Information (“RFI”), CWA-IR-23-003, requiring the Respondent to submit information regarding the Village’s compliance with the MS4 General Permit. The RFI required the Respondent to provide a response documenting the actions taken, or planned, to address each of the “Potential Non-Compliance Items” and “Areas of Concern” in the Compliance Evaluation Inspection (“CEI”) Report and to investigate the source of dry-weather flow from a Village-owned outfall that was observed during the September 21, 2022 Inspection. The EPA received a request for an extension in response to the RFI from the Respondent on January 9, 2023. On January 17, 2023, the Respondent provided additional details and justifications for the initial extension request, including interim milestones and associated dates.
9. Based on conversations with Village representatives prior to the Inspection, the findings of the Inspection conducted on September 21, 2022, discussions with Village representatives following the Inspection, and the Village’s January 9 and January 17, 2023 responses to the RFI, EPA finds that the Village failed to comply with the CWA and the conditions and limitations of the MS4 General Permit, including but not limited to the following:
 - a. Part IV.A of the Permit requires the Permittee to develop a Stormwater Management Program (SWMP) Plan. Part X.B of the Permit states that documents to include in the SWMP Plan are procedures and materials for each Minimum Control Measure (MCM) and measurable goals. In addition, Part VII.A of the Permit requires the Permittee to implement and develop a SWMP Plan that must identify (i) the plan element and (ii) any protocols for coordination among such agencies and/or offices necessary for the implementation of the plan element. Subsequent to the Inspection, the Village provided EPA with instructions to access the Village’s SWMP Plan, which is located publicly on the Village’s website. The SWMP provided by the Village did not include the following required elements, in violation of Parts VI.A, VII.A and X.B of the Permit:
 - i. List of current employees, offices/agencies that would be responsible for implementing each of the SWMP Plan elements, as required by Part VII.A of the Permit;
 - ii. Written description of a program developed to detect and address non-stormwater discharges, including illegal dumping, to the MS4, as required by Part VII.A.3.g of the Permit;
 - iii. Outfall Reconnaissance Inventory (ORI) inspection procedures;
 - iv. Illicit Discharge and Detection (IDDE) program priority areas of concern, written procedures for identifying, locating, and eliminating illicit discharges, including available equipment and staff, and procedures for documenting actions;

- v. Written description of the established procedures for construction site stormwater control Stormwater Pollution Prevention Plan (SWPPP) reviewal and acceptance;
 - vi. Written description of the established procedures for receipt and follow up on complaints or other information submitted by the public regarding construction site stormwater runoff control as required by Part VII.A.4.a.viii of the Permit;
 - vii. Written description of the established procedures for construction site inspections, enforcement of erosion and sediment control measures, Notice of Termination (NOT) procedures, steps to identify priority sites for inspection and enforcement and contractor training requirements, as required by Part VII.A.4.a.ix of the Permit;
 - viii. Written description of the program for maintaining an inventory of post-construction stormwater management practices (SMPs) within the MS4's jurisdiction.
 - ix. An accurate description of the Village's procedures to ensure adequate long-term operation and maintenance of post-construction management practices by trained staff, including inspections, as required by Part VII.A.5.a.vii of the Permit, as required by Part VII.A.5.a.vi of the Permit;
 - x. Written description of a municipal operations and good housekeeping program, including procedures, protocols, and best management practices concerning priority areas of concern and catch basin maintenance, etc., as required by the Part VII.A.6.a.iii of the Permit;
 - xi. Written description of a program to perform and document a self-assessment of all municipal operations addressed by the SWMP at a minimum frequency of once every three years, as required by Part VII.A.6.a.ii of the Permit;
 - xii. Written description of an employee pollution prevention and good housekeeping training program to ensure that staff receive and utilize training, as required by Part VII.A.6.a.vi of the Permit; and
 - xiii. Written description of techniques adopted to reduce the use of fertilizers, pesticides, and herbicides, as well as potential impacts to surface water, as required by Part VII.A.6.e of the Permit.
- b. Part IV.B the Permit requires Permittees that rely on another covered entity to satisfy one or more of its permit obligations must note it on the covered entity's Municipal Compliance Certification (MCC) form. In addition, this agreement between two or more parties must be documented in writing and signed by both (all parties), and it must be included in the SWMP Plan by the covered entity and retained for the duration of the Permit. At the time of the Inspection, the Village stated that they rely on multiple neighboring municipalities, including Nassau County, to implement various program elements, however, the Village failed to note Nassau County on their most recent MCC form submission for their 2021 Annual Report. Furthermore, at the time of the Inspection, the Village did not have documentation of a written, signed agreement with Nassau County, or any other neighboring Village, for implementing any portion of their program, in violation of Part IV.B of the Permit.
- c. Part VII.A.3.b of the Permit requires the Permittee to develop and maintain a map showing the location of all outfalls and the names and locations of all surface waters receiving discharges. Additionally, the map must include the preliminary boundaries of the covered entity's storm sewersheds as determined using GIS or other tools. Prior to the Inspection, the Village provided two maps, one undated and a second map dated February 5, 2009. However, the maps provided by the Village do not clearly identify the locations of all Village owned outfalls, and a total number of outfalls could not be determined. Furthermore, the names and locations of all surface

waters receiving flow are not depicted on either of the maps provided by the Village, in violation of Part VII.A.3.b of the Permit.

- d. Part VII.A.3.c of the Permit requires the Permittee to field verify all outfall locations. At the time of the Inspection and subsequent to the Inspection, Village representatives stated that all outfalls had not been field verified, in violation of Part VII.A.3.c of the Permit.
- e. Part VII.A.3.d of the Permit requires that the Permittee conduct an Outfall Reconnaissance Inventory (ORI), as described in the EPA publication entitled *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessment*, addressing every outfall within the urbanized area and additionally designated area within the permittee's jurisdiction at least once every five years, with reasonable progress each year. According to Village representatives, the Village's outfalls had not been inspected in accordance with the Permit in the last five years and the Village failed to provide documentation of any ORI records, in violation of Part VII.A.3.d of the Permit.
- f. Part VII.A.3.g of the Permit requires the Permittee to develop and implement a program to detect and address non-stormwater discharges, including illegal dumping, to the small MS4 in accordance with the current assistance and guidance documents from the State and EPA. In addition, the program must include: procedures for identifying priority areas of concern for the IDDE program, description of priority areas of concern, available equipment, staff, funding, etc.; procedures for identifying and locating illicit discharges (trackdown); procedures for eliminating illicit discharges; and procedures for documenting actions. At the time of the Inspection, EPA inspectors observed a dry-weather discharge at the Skillman Street outfall, owned by the Village of Roslyn. The Village did not develop or implement a formal IDDE program to address non-stormwater discharges, and failed to perform any trackdown procedures for identifying the potential illicit discharge, in violation of Part VII.A.3.g of the Permit.
- g. Part VII.A.6.a.ii of the Permit requires the Permittee to perform and document self-assessments of all municipal operations and facilities at a minimum frequency of once every three (3) years. Prior to the Inspection and at the time of the Inspection, it was unclear if the Village had been conducting self-assessments of all municipal operations and facilities. Furthermore, the Village SWMP Plan does not address any municipal operations or facilities and does not specify procedures for conducting self-assessments, in violation of Part VII.A.6.a.ii of the Permit.
- h. Part VII.A.6.a.iv of the Permit requires the Permittee to prioritize pollution prevention and good housekeeping efforts based on geographic area, potential to improve water quality, facilities or operations most in need of modification or improvement, and the MS4's capabilities. At the time of the Audit, Village representatives stated that there is no formal program being implemented in pollution prevention and good housekeeping prioritization or best management practices, in violation of Part VII.A.6.a.iv of the Permit.
- i. Part VII.A.6.vi of the Permit requires the Permittee to include an employee pollution prevention and good housekeeping training program and ensure that staff receive and utilize training. At the time of the Inspection and subsequent to the Inspection, the Village did not have any formal program in place for pollution prevention and good housekeeping training, in violation of Part VII.A.6.a.vi of the Permit.

10. Based upon Paragraphs 1 - 10 above, EPA finds that Respondent is in violation of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and applicable implementing regulations.

C. ORDERED PROVISIONS

Based upon the foregoing and pursuant to the authority of Section 309(a)(3) of the Act, it is hereby ORDERED that:

1. **Immediately upon receipt of this Order**, a responsible official of the Respondent shall complete and sign the acknowledgment of receipt and return the acknowledgment page to the Chief, Water Compliance Branch, electronically to the address listed in paragraph E.1, below.
2. Respondent shall complete the following items in accordance with the schedule listed below:

COMPLIANCE SCHEDULE	
Item	Completion Deadline
a. Prepare a pollution prevention and good housekeeping training program for Village staff to include initial training, as required by Part VII.A.6.i of the Permit and an annual refresher, and submit documentation of program to EPA and NYSDEC.	February 28, 2023
b. Conduct field investigations and preliminary illicit discharge trackdown procedures upstream of Skillman Street Outfalls to determine the source of non-stormwater discharges observed, and to verify all Village-owned outfalls and catch basins in the Skillman Street area. Submit documentation of investigations, including field data sheets/notes, and photographs, to EPA and NYSDEC in accordance with Part VII.A.3.g of the Permit.	February 28, 2023
c. Field verify all Village outfalls, as required by Part VII.A.3.c of the Permit.	April 30, 2023
d. Conduct and document employee pollution prevention and good housekeeping training for all relevant staff, as required by Part VII.A.6.a.vi of the Permit, and submit documentation of the completed training to EPA and NYSDEC.	May 31, 2023
e. Perform and submit documentation of self-assessments to determine which of the Village's facilities and operations are potential sources of pollutants to the MS4 and are or will be addressed by the SWMP, in accordance with Part VII.A.6.c of the Permit. Submit documentation of self-assessments to EPA and NYSDEC.	May 31, 2023
f. Submit documentation, including sampling data from an accredited laboratory, that definitively verifies that the ongoing dry weather flow and non-stormwater discharge observed at the Skillman Street Outfalls is uncontaminated groundwater, an allowable discharge under Part I.A.2 of the Permit. If the Village is unable to provide documentation verifying that the ongoing discharge is allowable under Part I.A.2. of the Permit, the Village is required to eliminate the discharge, in accordance with Part VII.A.3 of the Permit. The Village must develop a proposed plan of action for addressing and	August 31, 2023

eliminating any and all illicit discharges discovered during the sampling and trackdown investigations. Submit all documentation and proposed plan of action to EPA and NYSDEC.	
g. Conduct and document an ORI at all Village outfalls during dry weather (at least 48 hours after precipitation), in accordance with Part VII.A.3.d of the Permit, and submit documentation to EPA demonstrating that an ORI inspection has been completed at every Village outfall, including any follow up on dry weather flows or other indicators of potential illicit discharges.	August 31, 2023
h. Develop an updated computerized map depicting the location of all outfalls with unique identifying labels, all surface waters receiving discharges and sewersheds as required by Part VII.A.3.b.i of the Permit, and digitally incorporate existing mapped MS4 structures (pipe segments, catch basins, interconnections, etc.) to provide a complete depiction of the information collected on the system. Submit copy of map to EPA and NYSDEC.	August 31, 2023
i. Modify and update the SWMP Plan in accordance with Parts IV.A and X.B of the Permit. The updated SWMP Plan shall incorporate all Minimum Control Measures (MCMs), required programs, procedures, and other items developed in accordance with this Order and any additional items listed in paragraphs B.9.a, and B.9.b-h, above, as required by Parts VII.A.3 – Parts VII.A.6 of the Permit. Submit a copy of the updated SWMP Plan to EPA and NYSDEC.	August 31, 2023

D. INFORMATION REQUEST

Based upon the foregoing and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit documentation that Respondent has retained an accredited laboratory to perform sampling analysis at the following locations, specified in Respondent's January 17, 2023, response to the RFI (CWA-IR-23-003):

- a. Skillman Street Outfalls (two locations)
- b. Catch Basin on Old Northern Boulevard
- c. Leaking pipe observed onsite the shopping mall's underground garage
- d. Stormwater manhole Mill Road South and Skillman Street
- e. Any additional dry-weather flow, non-stormwater discharge, or potential unauthorized discharge identified by Respondent during the preliminary IDDE field investigations (Compliance Schedule Item b.)

Submit supporting documentation to EPA **no later than May 31, 2023**. Supporting documentation includes, but is not limited to, a proposal including scope of work, formal contract, or preliminary invoice.

E. GENERAL PROVISIONS

1. All information or documents required to be submitted by Respondent as part of this Order shall be sent electronically to the following individuals:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
mckenna.douglas@epa.gov
with copy to
abbruscato.marissa@epa.gov

and

Edward Hampston, Director
Bureau of Water Compliance Programs
Division of Water
NYSDEC
edward.hampston@dec.ny.gov

and

Jennifer Pilewski, Regional Water Manager
NYSDEC – Region 1
jennifer.pilewski@dec.ny.gov
with copy to
ryan.porciello@dec.ny.gov

2. Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3. Respondent shall have the opportunity, for a period of 20 days from the date of receipt of this Order, to confer regarding the Ordered Provisions, with the following designated Agency representative:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
mckenna.douglas@epa.gov
(212) 637-4244

4. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701-706. Section 706 of the APA provides the grounds for such review.
5. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
6. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$64,618.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R., Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for hearing, the Court determines that you have violated the CWA as described above.
7. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$64,618.00 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if, after notice and opportunity for a hearing, the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.
8. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.
9. This Order shall become effective upon the date of execution by the Director, Enforcement and Compliance Assurance Division.

Dated: 1/24/2023

Signed: _____

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Village of Roslyn
1200 Old Northern Blvd
Roslyn, NY 11576

Proceeding pursuant to Sections 308(a) and
309(a)(3) of the Clean Water Act, 33 U.S.C.
§§ 1318(a) and 1319(a)(3)

RESPONDENT

**INFORMATION REQUEST AND
ADMINISTRATIVE COMPLIANCE ORDER**

CWA-02-2023-3018

**ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE COMPLIANCE ORDER**

I, _____, an authorized representative of the Respondent,

with the title of, _____, do hereby acknowledge the receipt of a

copy of the INFORMATION REQUEST AND ADMINISTRATIVE COMPLIANCE ORDER,

CWA-02-2023-3018.

DATE: _____

SIGNED: _____